

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXXI., OVERLAY ZONING DISTRICTS AND REGULATIONS, BY ADDING THERETO A NEW DIVISION, NAMELY: DIVISION 9., LEE HALL CORRIDOR OVERLAY DISTRICT.

BE IT ORDAINED by the Council of the City of Newport News, Virginia:

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article XXXI., Overlay Zoning Districts and Regulations, be, and the same hereby is, amended and reordained, by adding thereto a new division, namely: Division 9., Lee Hall Corridor Overlay District as follows:

CHAPTER 45

ZONING ORDINANCE

ARTICLE XXXI. OVERLAY ZONING DISTRICTS AND REGULATIONS

DIVISION 9. LEE HALL

CORRIDOR OVERLAY DISTRICT

Sec. 45-3162. Purpose.

The purpose of this Article is to improve the aesthetic and visual character of the Lee Hall area of the City of Newport News adjacent to major entrance corridors, as defined herein, and to provide for and promote their orderly development and redevelopment by creating an overlay district. The overlay district recognizes the unique character of the entrance corridors, which serve as the gateways to the Lee Hall area and its historic destinations.

This overlay district is also intended to encourage appropriate renovations to existing mixed-use, commercial and industrial structures and compatible new construction by promoting the use of building forms, materials and site design that will improve the architectural and visual character of these major corridors, and to encourage a diversity of architectural style that is compatible with the character of the area's historic resources.

Sec. 45-3163. Established boundaries.

The Lee Hall Corridor Overlay District regulations shall apply to all non-residentially used or zoned parcels contiguous to the right-of-way of the following corridors as of the

date of ordinance adoption, but shall not extend beyond five hundred (500) feet of each side of the corridors. Also, individual single-family properties not subject to the provisions of the site regulations are not controlled by the regulations of this overlay district ordinance. However, any single-family subdivision submitted for final plat approval after the effective date of this overlay district ordinance is subject to the provisions of this ordinance. The corridors are defined as follows:

- (a) Jefferson Avenue from Ft. Eustis Boulevard to the James City County line.
- (b) Yorktown Road from the York County line to the intersection of Warwick Boulevard.
- (c) Crafford (Crawford) Road from the York County line to Yorktown Road.
- (d) Interstate 64 from the northern boundary of Newport News reservoir to the James City County and York County lines.

Sec. 45-3164. Permitted uses.

(a) *Permitted uses.* Permitted uses in the Lee Hall Corridor Overlay District shall be as established by the underlying zoning district as set forth in Article IV, Section 45-402, subject to the following limitations:

Permitted with a conditional use permit:

- 1. All uses with drive through service
- 2. Any commercial, office or industrial buildings greater than 30,000 sq. ft. in size

Not Permitted (The following uses are not permitted in the Corridor Overlay District:

- 1. Amateur radio tower greater than 70 feet in height
- 2. Automobile sales/used car dealership
- 3. Commercial radio or TV station
- 4. Communication tower/antenna

5. Extended stay motels
6. Mini-storage warehouse
7. Mini-storage warehouse – single entrance interior storage
8. Outside storage as primary use
9. Pawn shop
10. Automobile, limousine, van, motorcycle leasing/rental

(b) *Accessory uses.* Any use customarily incidental or accessory to any permitted use is permitted in this district when clearly established as an accessory to a permitted use.

Sec. 45-3165. Affected development.

Review required: Review and approval shall be required for all new subdivisions, multiple-family, mixed-use, commercial and industrial development, additions, alterations and improvements, other than repair or maintenance, to existing mixed use, multiple-family, commercial and industrial buildings, structures, signs and sites located within the Corridor Overlay District. Existing structures destroyed by fire or act of God may be replaced as provided in Section 45-2902.

Repair or maintenance activity permitted without review: Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building, structure, sign or exterior architectural feature described in this article. Ordinary repair and maintenance is work done to prevent deterioration or to replace parts of a building, structure, sign or exterior architectural feature with equivalent materials in order to correct any deterioration, decay of or damage to any such building, structure, sign or exterior architectural feature. Ordinary maintenance or repair work may not exceed twenty-five (25) percent of the structure's assessed value in any 24 consecutive month period.

Sec. 45-3166. Guidelines and development standards.

Purpose and Intent: The following guidelines and development standards are intended to protect and enhance the visual experience from the established entrance corridors and to reduce incompatible and adverse impacts on scenic and historic sites.

(a) *Guidelines.* The development of any site within the Corridor Overlay District shall be in accordance with an approved master plan or site plan. Design and architectural

features shall be consistent with the following provisions:

1. Large work area doors or open bays of mixed use, commercial and industrial buildings shall not open toward or face the corridors.
2. Active building elevations shall face public streets, never blank walls or loading areas.
3. Mechanical equipment, whether ground level or roof top, shall be either screened from view or located so that such items are not visible from the corridors identified in Section 45-3163 herein or adjacent properties. Large trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes, antennas, etc., shall be similarly treated. Mechanical equipment on rooftops shall, to the extent possible, be hidden by building elements designed for that purpose as an integral part of the building design.
4. Loading spaces for commercial and industrial sites shall be located only at the rear of buildings and should be out of view of the entrance corridors. Views from adjacent properties or uses must be minimized through site design, architectural design, topography, landscaping, setbacks or other features.
5. Required parking areas should be located to the rear or side of main buildings or developed areas.
6. Fencing along the corridor right-of-way should be of decorative (ornamental) style and located behind the landscape strip as required by the City's Site Regulations.
7. Blank, solid walls shall be avoided.
8. Stucco, natural wood siding, brick, or other materials with similar texture and appearance are compatible with the area's character. Materials and colors should be varied where appropriate to provide architectural interest.
9. Color schemes should be kept simple in character and harmonious in keeping with the period architecture.
10. No building facade (whether front, side or rear) should consist of architectural materials inferior in quality, appearance, or detail to any other facade of the same building. The intent of this requirement is not to preclude the use of different materials on different buildings' facades (which would be acceptable if representative of good architectural design), but rather to preclude the use of inferior materials on sides that face adjoining property and thus, might adversely impact existing or future development.
11. No visible portion of a building wall shall be constructed of corrugated material, sheet metal, or barren and unfinished cinder block. Standing seam metal roofs are acceptable.

12. New architecture should be compatible with the area's design traditions, forms and materials. Generic franchise design is strongly discouraged.

13. Buildings on the same site should have a strong spatial and functional relationship to each other and shall be varied in size and mass.

(b) Development standards. New subdivision, mixed-use, commercial and industrial development within this Overlay District should provide for visual compatibility and harmony with surrounding natural landforms and vegetation; be protective of views and vistas from the entrance corridors within the District; and provide continuity of site design within the proposed development. These objectives include the following standards, in addition to the development standards specified for the underlying zones in the Zoning Ordinance:

1. General

a. Structures should not dominate, by excessive or inappropriate height or mass, any general development, adjacent building, or natural landscape.

b. Natural amenities such as views, trees, riparian corridors, and other such features should be preserved and incorporated into the site design.

c. Impervious surface areas should be minimized and landscaped areas should be maximized.

d. The maximum height of all structures shall be as permitted by the development standards for the underlying zoning district.

e. Outdoor storage as an accessory use shall be as permitted, provided that all outdoor storage areas are visually screened from public rights-of-way, internal roadways, and adjacent property. Screening shall consist of either a masonry wall, dense evergreen plants, or such other materials as may be found compatible and approved by the Director of Planning. All such screening shall be of sufficient height to screen storage areas from view and shall be appropriately landscaped in accordance with the standards set forth in Section 45-512 of the Zoning Ordinance. All company owned and operated vehicles, with the exception of passenger vehicles, are subject to this provision.

f. Site development should include streetscape improvements. These improvements are considered as those architectural or functional facilities or structures that occur on site but are not part of the building and that encourage and facilitate human interaction with the built environment. Examples include, but are not limited to the following: decorative light fixtures, fountains, sculptures, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, driveways and parking areas except in historic places or districts where these materials are compatible with the character of the historic place or district.

(c) Grading and Drainage

1. Development activities should avoid excessive or unsightly grading, indiscriminate earth moving or clearing of property, and removal of trees and vegetation that could cause disruption of natural water courses or disfigure natural land forms.
2. Grading for new development shall not adversely affect adjacent property.
3. Grading should not occur within the dripline of any tree(s) being preserved.
4. Drainage shall be designed so as not to interfere with pedestrian traffic.

(d) Parking and Circulation

1. Parking lot, traffic areas, and loading and unloading area requirements shall be as established by Chapter 33.02-52, Site Regulations. In addition, the following shall apply:

a. Vehicular movement and parking areas shall be paved with concrete, asphalt, exposed aggregate, or pavers. Vehicular movement and parking areas surfaced with gravel or other similar material are prohibited except in historic places where these materials are compatible with the character of the historic place. Concrete curb and gutter or other stormwater management structure as approved by the Director of Engineering shall be installed around the perimeter of all parking areas.

b. All vehicle parking areas shall, whenever practicable, be located to the side or rear of the primary structure and screened with landscaping to soften the view from any public right-of-way. When vehicle parking areas must be located in front of the principal structure, a continuous hedge or landscaped berm or decorative wall of at least three (3) feet in height must be constructed to screen the parking area from any public right-of-way.

c. On large commercial sites, parking areas between pad buildings and landscaped buffers are discouraged.

(e) Lighting

1. The proper layout, height, fixture selection and lighting level shall be incorporated into the site design to create a safe and secure environment.

2. Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky.

3. Architectural lighting shall be recessed under roof overhangs or generated from concealed source, low-level light fixtures. Roof lights, wall washes, lighted roof panels, and other methods of illuminating buildings are not allowed.

4. Site lighting shall be of low-intensity from a concealed source, shall be of a clear white or amber light that does not distort colors, and shall not spill over onto adjoining properties, highways, or in any way interfere with the vision of on-coming motorists. Such lighting fixtures or devices shall be of a directional type capable of shielding the light source from direct view. The development plan or site plan must show the relationship of fixtures and the light patterns to each other, to the project site, to the unit development, and to the highway corridor.

5. Decorative, low-level intensity, non-concealed source lighting that defines vehicular and/or pedestrian ways is acceptable.

6. The lighting plan shall not conflict with the landscape plan, and the two shall be submitted simultaneously for review.

(f) Stormwater and BMP. All new development shall be in conformance with Chapter 37.1, Stormwater Management, of the Code of the City of Newport News, Virginia, as amended.

(g) Utilities. All new utilities, including but not limited to all wires, cables, pipes, conduits and appurtenant equipment, carrying or used in connection with the furnishing of electric power, telephone, telegraph, cable television, petroleum, gas steam, water or sewer systems, shall, after adoption of this Article be placed below the surface of the ground; provided that:

1. Equipment such as electric distribution transformers, switchgear, meter pedestals and telephone pedestals, which are normally installed above ground may be so installed.

2. Meters, service connections and similar equipment normally attached to the outside wall of the premises they serve are acceptable.

3. All equipment that is permitted to be installed above ground shall be screened with landscaping and/or fencing. Consideration should be given to placement of such equipment in order to minimize the view from the corridor.

(h) Landscaping requirements and tree protection.

1. Purpose and Intent. The purpose and intent of such landscaping requirements are to reduce the visibility of paved areas from adjacent properties and streets; moderate climatic effects; minimize noise and glare; and, to enhance public safety by defining

spaces so as to influence traffic movement. Landscaping will also reduce the amount of storm water runoff, provide transition between neighboring properties, and frame and soften structures. Every effort shall be made through the design, layout, and construction of development projects to incorporate and preserve as many trees as possible.

2. General. Landscaping and green area requirements shall be as established by Chapter 33.02-51, Site Regulations, as amended. In addition, the following requirements shall apply to all landscape plans:

- a. A landscaping plan shall be submitted in conjunction with the development or site plan submittal.
- b. Such landscaping plan shall be drawn to scale, include dimensions and distances, and clearly delineate all existing and proposed vehicular movement and parking, and the location, size and description of all landscaping materials. All easements, transitional buffer areas and setback areas shall be labeled and dimensioned.
- c. All plant materials shall be maintained in perpetuity in a healthy condition. The property owner or designated agent shall be responsible for the maintenance, repair and replacement of all landscaping materials as may be required by the provisions of this Subsection. All plant material and landscaped bed areas shall be tended and maintained in a healthy growing condition, free from refuse, debris and weeds at all times

3. Parking Area Landscaping. In addition to the requirements of Chapter 33.02-51(12), as amended, the following shall apply:

- a. Masonry walls, fences, hedges or berms three to four feet in height in combination with required landscaping are required to screen parking areas with 10 spaces or more.
- b. Pedestrian walkways between sites, parking areas and buildings are required to promote and enhance safe pedestrian circulation.

4. Buffers and Screening. Transitional buffer areas shall be provided as required by Section 45-2802(e) of the Zoning Ordinance. Screening shall include a wall or fence designed to block visual and noise impacts to ensure compatibility between adjacent uses.

5. Requirements for Landscape Plans. Outdoor furniture and fixtures for commercial and mixed-use development are elements of building and landscape design, and shall be identified on the landscape plan.

6. Tree protection.

a. No person shall cut down, destroy, move, or remove or cause to be cut down, destroyed, moved or removed any living, disease-free tree of any species having a trunk six (6) inches in caliper or larger, measured four and one-half (4 1/2) feet from the base, in conjunction with any development of land governed by this Article until such activity has been approved under the provisions of this Article.

b. No land shall be cleared or altered prior to approval of a development or site plan.

c. A survey of all trees six (6) inches in caliper or larger within the development area shall be made and submitted in conjunction with the development plan. All trees proposed for removal shall be clearly noted. The tree survey shall be certified either by a licensed land surveyor, registered engineer, or landscape architect.

d. When preliminary site evaluation by the applicant reveals the ability to accomplish the proposed project without removal of any trees six (6) inches in caliper or larger, the applicant shall submit a written statement that no trees will be removed and the development plan or site plan will indicate "No Large Caliper Tree Removal" as a condition thereof.

e. Those trees designated for preservation in accordance with the provisions of this Ordinance as shown on the approved landscaping plan shall be protected in accordance with Section 33.02-51.(c) of the City's Site Regulations.

Sec. 45-3168. Signs.

Purpose and intent. The purpose and intent of this Section are to regulate the use of signage within the Lee Hall Corridor Overlay District; to protect and enhance the visual character of these entrance corridors and surrounding historic sites; to improve pedestrian and traffic safety; and, to minimize visual clutter that is potentially harmful to traffic and pedestrian safety, property values, and community appearance. Signs permitted in the district shall be those set forth in Chapter 33.01, Newport News Code, except the following:

(a) No portable signs are permitted;

(b) Freestanding signs shall not exceed fifteen feet in height and shall be no more than 100 sq. ft. in sign area.

Sec. 45-3169. Plan review and approval.

(a) Applicability

(1) Preliminary review is required for all new subdivision, mixed use, commercial and industrial development, additions and major improvements to existing mixed use, multiple-family commercial and industrial buildings, structures and sites in the Corridor

Overlay District prior to development or site plan submittal. All proposals shall be submitted to the Department of Planning for preliminary review.

(2) Upon completion of preliminary review, but in no event more than thirty (30) days after the preliminary plan submittal, staff will provide the developer a formal application and identify the submittal requirements; provided, however, that no statement or omission in the staff's declaration of submittal requirements shall relieve any developer from the obligation to fully comply with all city requirements.

(3) After preliminary review, all developers of new residential projects (excepting only individual single-family homes), additions and major improvements to existing buildings, structures and sites proposed in the Corridor Overlay District shall submit a formal application to the Director of Planning for committee review and approval. To be valid, a final submittal by the developer must be made no less than 10 days prior to the next scheduled committee meeting. The committee, as established under subsection (b), shall review the proposal only for conformance to the guidelines and development standards established in Sec. 45-3166 through 45-3168.

(4) The committee shall complete its review and file its findings in writing no less than 30 days from final submission. When disapproving a plan or approving a plan with conditions, the committee shall specify the reasons for disapproval or conditional approval and cite those provisions of this chapter, the comprehensive plan, and/or the site plan ordinance that have not been met. Decisions by the review committee may be appealed by any aggrieved party within thirty (30) days to the City Council.

(5) Upon final approval from the committee, the developer shall submit a development or site plan to the director of engineering in accordance with Chapter 33.02, Site Regulations, of the City Code, as amended.

(b) Submittal Requirements for Committee Review

(1) Within the Lee Hall Corridor Overlay District, all development proposals will be reviewed by a review committee, which shall be comprised of the following members or, in the case of city officials, their designees:

- a. Newport News City Manager.
- b. Newport News Director of Planning.
- c. Newport News Director of Development.
- d. Newport News Director of Codes Compliance.
- e. Newport News Museum and Historic Services Administrator

f. A member of the City Planning Commission appointed by the Planning Commission Chairman who will serve as the review committee chairman.

g. Two (2) citizen members, preferably from the Greater Lee Hall Area, who are resident, business or property owners appointed by the City Planning Commission.

(2) A quorum shall consist of five (5) members of the committee.

(3) All proposals must conform to the guidelines and development standards of the Lee Hall Corridor Overlay District to the maximum extent possible, and to the zoning requirements of the underlying district. No clearing or building permits shall be issued until final project approval by the Lee Hall Corridor Overlay District review committee has been granted.

(4) The committee shall meet at least once every month, except when there are no pending applications. Submittals shall include at a minimum an application, site development plan, and a written project description. The site development plan shall be prepared in accordance with Chapter 33.02 Site Regulations, Newport News Municipal Code.

(b) Failure of the committee to act. Should the review committee fail to approve or disapprove the proposed development or site plan within thirty (30) days from the date of the final plan submission, the application shall be considered to be approved.

(c) Time Requirements. After final approval by the review committee, all approved plans will be effective for a two-year time period and may be renewed for additional one-year increments upon written request to and approval by the review committee.

(d) Filing fees. A one hundred dollar (\$100.00) non-refundable filing fee shall be paid upon filing of the formal application.